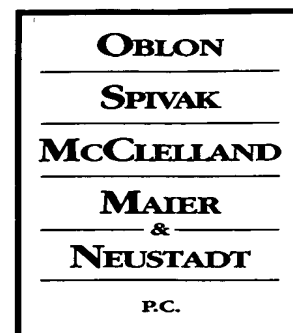




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Docket No.: 214693US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/067,841
Applicants: Ralf MAUS, et al.
Filing Date: February 8, 2002
For: PRECIPITATED SILICAS HAVING A NARROW
PARTICLE SIZE DISTRIBUTION
Group Art Unit: 1754
Examiner: NGUYEN, N.Y.M.

SIR:

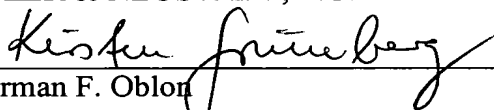
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of 0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

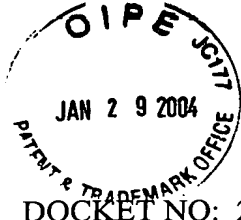

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DOCKET NO: 214693US0

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
RALF MAUS, ET AL. : EXAMINER: NGUYEN, N. Y. M.
SERIAL NO: 10/067,841 :
FILED: FEBRUARY 8, 2002 : GROUP ART UNIT: 1754
FOR: PRECIPITATED SILICAS HAVING :
A NARROW PARTICLE SIZE
DISTRIBUTION

RESPONSE TO RESTRICTON REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Official Action dated December 30, 2003, Applicants elect, with
traverse, Group I, Claims 1-6, which are drawn to silica particles.

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-6, drawn to silica particles;
- Group II: Claim 7, drawn to a coating;
- Group III: Claims 8-9, drawn to a silica filled polymer;
- Group IV: Claim 10, drawn to a tire; and
- Group V: Claims 11-20, drawn to a process for producing silica.

Applicants elect, with traverse, Group I, Claims 1-6, which are drawn to silica
particles.

The claims of Groups II, III and IV are directly dependent from the claims of Group I and thus should not be separated. In addition, if the claims of Group I are allowable, the claims of Groups II, III and IV should be allowable as well.

Further, Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims.

Moreover, the MPEP in 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Finally, Applicants note that MPEP §821.04 states, "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined." Applicants respectfully submit that should the elected group be found allowable, the non-elected claims 11-20 should be rejoined.

Application No. 10/067,841
Reply to Office Action of December 30, 2003

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "Norman F. Oblon", is written over a horizontal line.

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